

Message Text

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PAGE 01 STATE 059567
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INFO OCT-01 ARA-10 ISO-00 EB-08 /019 R

DRAFTED BY COMM/FBPD:JWAGNER/JMLIGHTMAN
APPROVED BY STA?E:EB/IFD/BP:WLOCKWOOD
COMM/PTO - DALLEN
STATE/EB/BP - SPRUETT
STATE/ARA/ECA - SHUGART

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R 171851Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY BRASILIA

UNCLAS STATE 059567

E.O. 11652: N/A

TAGS: EIND, BR

SUBJECT: OPPOSITION TO TRADEMARK APPLICATION FOR COCOA
BUTTER IN BRAZIL

1. THE DEPARTMENT OF COMMERCE MAINTAINS A PROGRAM TO PROTECT FOREIGN MARKETS FOR AMERICAN PRODUCTS AND SERVICES BY OPPOSING THE REGISTRATION BY FOREIGN GOVERNMENTS OF TRADEMARKS WHICH ARE GENERIC TERMS. IF SUCH MARKS ARE SUCCESSFULLY REGISTERED, THEY WOULD IMPEDE THE IMPORTATION OF PRODUCTS CONTAINING THE SAME WORD IN THE LABEL. FOR EXAMPLE, IF THE WORD BEAN WERE SUCCESSFULLY REGISTERED AS A TRADEMARK IN A COUNTRY, THEN ANY PRODUCT WITH "BEAN" ON THE LABEL (E.G., DEL MONTE GREEN BEANS, LIBBY BWTTER BEANS) COULD NOT BE LEGALLY SOLD IN THAT COUNTRY.

2. IN IMPLEMENTING THIS PROGRAM, COMMERCE WORKS CLOSELY WITH THE UNITED STATES TRADEMARK ASSOCIATION (USTA) AND OTHER TRADE GROUPS SINCE THESE ORGANIZATIONS THROUGH UNCLASSIFIED

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THEIR MEMBERS RECEIVE EXTENSIVE COMMERCIAL INTELLIGENCE ON PENDING TRADEMARK APPLICATIONS. USTA HAS INFORMED US IN LETTER DATED MARCH 3, 1977 OF AN APPLICATION TO REGISTER COCOA BUTTER AS A TRADEMARK FOR CLASS 3. SUCH APPLICATION IS OBJECTIONABLE ON THE GROUNDS THAT THE WORD IS GENERIC FOR CERTAIN COSMETIC AND PHARMACEUTICAL PRODUCTS

IN THIS CLASS. A PHOTOCOPY OF THIS LETTER IS BEING TRANSMITTED SEPARATELY.

3. DETAILS OF THE APPLICATION ARE AS FOLLOWS:

- MARK: COCOA BUTTER
- APPLICANT: INSTITUTO FLEMINGO BRAZIL S.A.
- APPLICATION NO.: 023.079
- FILING DATE: SEPTEMBER 13, 1976
- PUBLICATION DATE: FEBRUARY 8, 1977

4. ACTION REQUESTED: THE EMBASSY IS REQUESTED TO CONTACT THE BRAZILIAN GOVERNMENT TRADEMARK AUTHORITIES AND TO DISCUSS THIS TRADEMARK APPLICATION WITH THEM IN AN ATTEMPT TO HAVE IT DENIED. THE OPPOSITION PERIOD EXPIRES ON APRIL 6, 1977 AND THEREFORE THE EMBASSY SHOULD ACT BEFORE THAT DATE. A REPORT ON THE RESULT OF THE EMBASSY'S EFFORTS IS DESIRED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADEMARK INFRINGEMENTS
Control Number: n/a
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE059567
Document Source: CORE
Document Unique ID: 00
Drafter: JWAGNER/JMLIGHTMAN
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770092-1155
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770348/aaaabqat.tel
Line Count: 81
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: be087db6-c288-dd11-92da-001cc4696bcc
Office: ORIGIN COME
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 15-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3074377
Secure: OPEN
Status: NATIVE
Subject: OPPOSITION TO TRADEMARK APPLICATION FOR COCOA BUTTER IN BRAZIL
TAGS: EIND, BR
To: BRASILIA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/be087db6-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009